

AMENDED IN ASSEMBLY JUNE 12, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

Assembly Joint Resolution

No. 44

Introduced by Assembly Member Bloom

April 10, 2014

Assembly Joint Resolution No. 44—Relative to veterans.

LEGISLATIVE COUNSEL’S DIGEST

AJR 44, as amended, Bloom. Veterans’ benefits.

This measure would urge the Department of Defense, Congress, and the President to create a more efficient process of upgrading the status of those who were “dishonorably” or other than honorably discharged from the Armed Forces of the United States, and to provide benefits, including applicable spousal benefits, to those veterans ~~discriminated against~~ *discharged* solely on the basis of their sexual orientation.

Fiscal committee: no.

- 1 WHEREAS, In 1993, Congress adopted a policy known as Don’t
2 Ask, Don’t Tell (DADT), prohibiting service personnel from
3 inquiring, or volunteering information, about their sexual
4 orientation. Prior to 1993, federal law and military regulations
5 prohibited homosexuality in the Armed Forces of the United States;
6 and
7 WHEREAS, From 1980 until the repeal of DADT in 2011, over
8 32,000 service personnel were separated from the Armed Forces
9 of the United States under DADT and its predecessor policies; and
10 WHEREAS, More than 13,000 service personnel were separated
11 from the Armed Forces of the United States after the adoption of

1 DADT. Approximately one-quarter of these discharges occurred
2 during the service member's first four months of service; and

3 WHEREAS, California law prohibits discrimination on the basis
4 of race, national origin, ethnic group identification, religion, age,
5 sex, sexual orientation, color, genetic information, or disability;
6 and

7 WHEREAS, Generally, veterans separated from the military
8 with a discharge that is characterized as "dishonorable" or "other
9 than honorable" are ineligible to receive federal or state veterans'
10 benefits, including applicable spousal benefits; and

11 WHEREAS, Section 711.1 of the Military and Veterans Code
12 assists veterans by requiring the Department of Veterans Affairs
13 to provide Internet resources, Internet links, and printed materials
14 regarding, or created by, veterans' legal services organizations
15 that specialize in military discharge upgrades, or links to Internet
16 resources that provide information and printed resources provided
17 by veterans' legal services organizations. It also provides that if
18 the federal government acts to provide benefits to discharged
19 veterans who were denied those benefits solely on the basis of
20 sexual orientation pursuant to any federal policy prohibiting
21 homosexual personnel from serving in the Armed Forces of the
22 United States, the state shall provide to those veterans any
23 state-offered benefits; and

24 WHEREAS, We must work to ensure that California veterans
25 who were ~~discriminated against~~ *discharged* solely on the basis of
26 their sexual orientation can access benefits regardless of the
27 classification of their discharge; now, therefore, be it

28 *Resolved by the Assembly and the Senate of the State of*
29 *California, jointly*, That the Legislature urges the Department of
30 Defense, Congress, and the President to create a more efficient
31 process of upgrading the status of those who were "dishonorably"
32 or other than honorably discharged from the Armed Forces of the
33 United States, and to provide benefits, including applicable spousal
34 benefits, to those veterans ~~discriminated against~~ *discharged* solely
35 on the basis of their sexual orientation; and be it further

36 *Resolved*, That the Chief Clerk of the Assembly transmit copies
37 of this resolution to the President and Vice President of the United
38 States, to the Speaker of the House of Representatives, to the
39 Majority Leader of the Senate,—~~and~~ to each Senator and

- 1 Representative from California in the Congress of the United States
- 2 *States*, and *to* the Department of Defense.

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